

## REMARKS

This Response is submitted in reply to the Non-Final Office Action dated October 28, 2008. Claims 1-41 are pending in this application. Claims 1-41 are rejected. In response, Claims 1, 6, 9, 17, 23, 27, 31, and 35-41 have been amended and Claims 5, 13, 21, 25, 29, and 33 have been cancelled. The amendment does not add new matter. In view of the amendment and/or for the reasons set forth below, Applicants respectfully submit that the rejections are improper and should be withdrawn.

### Rejections under 35 U.S.C. 103

In the Office Action, the Patent Office rejected Claims 1-3, 7-9, 15-18, 23, 26-27, 30-31, and 35-41 under 35 U.S.C 103(a) as being unpatentable over U.S. Patent No. 6,195,503 to Ikedo et al. ("Ikedo"), in view of U.S. Patent No. 5,933,580 to Fujita ("Fujita"). Claims 5-6, 13-14, 21-22, 25, 29, and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikedo, in view of Fujita, and further in view of U.S. Patent No. 6,285,826 to Murase et al. ("Murase"). Applicants respectfully traverse the rejections for at least the reasons set forth below.

Independent Claim 1 has been amended to recite, in part, "priority information which indicates the priority at the time of reproduction regarding each audio and video stream making up said corresponding multiplexed stream is set to said middle-level hierarchical management information block." Independent Claims 9, 17, 23, 27, 31, and 35-41 are similarly amended. The amendment is fully supported by the specification. For example, see paragraph [0108] and Fig. 11 of the Published Specification. Moreover, the amendment contains language similar to that previously recited in cancelled Claims 5, 13, 21, 25, 29, and 33.

Regarding independent Claims 1, 9, 17, 23, 27, 31, and 35-41, Applicants respectfully submit the cited prior art fails to disclose or suggest, at a minimum, "priority information which indicates the priority at the time of reproduction regarding each audio and video stream making up said corresponding multiplexed stream is set to said middle-level hierarchical management information block" as is claimed and fully supported by the specification. The Patent Office recognizes that neither Ikedo nor Fujita disclose priority information. See Office Action, page 16, lines 15-20. Instead, the Patent Office relies on Murase's management information comprising of reproduction path information to teach this element. *Id.*

Applicants respectfully disagree and submit Murase discloses, "management information for managing the AV stream wherein the management information comprises reproduction path

information (UD\_PGCI) generated by a user specifying a starting point and an ending point for a desired part of the AV stream.” Murase, column 6, lines 26-30. When using a random access medium, it is “possible to sustain continuous, uninterrupted output within certain parameters even when the playback head moves to AV data at a non-contiguous location on the disc by simply providing a track buffer of sufficient size between the decoder and drive.” Murase, column 5, lines 30-36. “[T]he MPEG system standard requires all data other than still picture (or still image) data be output to the decoder from the buffer within one second of being stored to the buffer.” Murase, column 5, lines 3-6. Thus, the user is able to define a plurality of reproduction paths, by selecting a starting point and an ending point, instead of linearly reproducing AV streams as was necessary when using magnetic tape and other sequential access media. Murase, column 5, lines 20-46. However, Applicants respectfully submit that merely defining a reproduction path does not teach priority information which indicates the priority at the time of reproduction **regarding each audio and video stream making up said corresponding multiplexed stream**. Murase alone, or in combination with Ikedo and Fujita, does not set priority information to each stream that makes up a multiplexed stream. Murase simply allows a user to playback AV data in a non-linear order.

Further regarding independent Claims 1, 9, 17, 23, 27, 31, and 35-41, Applicants respectfully disagree that the cited prior art discloses or suggests “said management information block is further **divided into blocks by a hierarchical structure**, the middle-level hierarchical management information block corresponding to said actual data is formed for each said actual data, and the corresponding information necessary for reproducing said actual data is set to a low-level hierarchical block of said middle-level hierarchical management information block and information necessary for non-destructive editing said actual data is set to a low-level hierarchical block of said middle-level hierarchical management information block” as is claimed and fully supported by the specification. The Patent Office relies on Ikedo to teach this element and states Ikedo’s “control area is ‘management information block area’” as claimed. Office Action, page 5, lines 1-8. Specifically Ikedo discloses, “47’ designates a control area containing information which correlates the compressed files written in the recording area 49, controls reproducing timing during decompression of the still picture compressed data and the sound compressed data.” Ikedo, column 6, lines 7-10. However, Ikedo fails to teach the control area is divided into blocks by a hierarchical structure as claimed. For example, Ikedo does not

suggest the information correlating the compressed files and the information used for reproducing timing during decompression are of different hierarchical levels, such as a low-level and a middle-level.

Thus, Applicants submit independent Claims 1, 9, 17, 23, 27, 31, and 35-41 and Claims 2-3, 5-8, 13-16, 18, 21-22, 25, 26, 29, 30, and 33-34 that depend thereon are patentably distinguishable from Ikedo, Fujita, and Murase. Please note Claims 5, 13, 21, 25, 29, and 33 have been cancelled without prejudice or disclaimer and Claim 6 has been amended to depend on Claim 1 instead of cancelled Claim 5.

The Patent Office rejected Claim 4, 10, 11-12, 19-20, 24, 28, and 32 under 35 U.S.C. 103(a) as being unpatentable over Ikedo, in view of Fuhita, and further in view of U.S. Patent No. 5,751,356 to Suzuki ("Suzuki"). Claims 4, 10, 11, and 12, 19 and 20, 24, 28, and 32 depend directly or indirectly from amended independent Claims 1, 9, 17, 23, 27, and 31, respectively. For at least the same reasons above with respect to amended independent Claims 1, 9, 17, 23, 27, and 31, Applicants submit Claims 4, 10, 11, and 12, 19 and 20, 24, 28, and 32 are patently distinguishable over Ikedo, Fujita, and Suzuki, and are in condition for allowance.

Accordingly, Applicants respectfully request the obviousness rejections with respect to independent Claims 1, 9, 17, 23, 27, 31, and 35-41 and the claims that depend thereon be reconsidered and the rejections withdrawn.

### **Conclusion**

For at least the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance and earnestly solicit reconsideration of the same.

The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing. If such a withdrawal is made, please indicate the Attorney Docket No. 112857-549 on the account statement.

Respectfully submitted,

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